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**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

January 18, 2010

There are no minutes for this date.

January 19, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Nicholson, Associate Justice; Hull, Associate Justice; Butz, Associate Justice; and Haskett, bailiff.

C058523 BERTLOW et al. v. ARNAIZ DEVELOPMENT COMPANY, INC., et al.

Cause called. Carlos V. Yguico argued for appellants. Mayo L. Makarczyk argued for respondents. Lee Jackson argued for respondents. Cause submitted.

At 9:58 a.m., the court recessed. At 9:59 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

C058988 THE PEOPLE v. PERDEEP SINGH et al.

Cause called. Geoffrey Rotwein argued for appellant Gadri. Emily E. Doring argued for appellant Singh. Barton Bowers, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:20 a.m., the court recessed. At 10:22 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

C062366 MANSOURI v. THE SUPERIOR COURT OF PLACER COUNTY; FLEUR DU LAC ESTATES ASSOCIATION

Cause called. Benjamin G. Shatz argued and Andrew A. Bassak appeared only for petitioner. Gregory L. Maxim argued for real party in interest. Cause submitted.

At 10:51 a.m., the court recessed. At 10:51 a.m., the court reconvened with Hull, Associate Justice; Robie Associate Justice; and Cantil-Sakauye, Associate Justice.

C060917 In re LOWLIN SAEPHARN on Habeas Corpus.

Cause called. Chris R. Redburn argued for petitioner. Krista Leigh Pollard, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:15 a.m., the court recessed. At 11:16 a.m., the court reconvened.

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Court Minutes

January 19, 2010, Continued

C058795 HAMMERBECK v. CALIFORNIA BROADCASTING, INC., et al.

Cause called. Richard K. Hammerbeck argued in pro. per. for appellant. Gary E. Haslerud argued for respondents. Cause submitted.

At 11:37 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C059602 TYLER v. WELLS FARGO FINANCIAL CALIFORNIA, INC.

Cause called. Jay-Allen Eisen argued for appellant. Jason Cooksey argued for respondent. Cause submitted.

At 2:28 p.m., the court recessed. At 2:32 p.m., the court reconvened with Sims, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C062019 FIREMAN'S FUND INSURANCE COMPANY v. WORKERS' COMPENSATION
APPEALS BOARD and CALIFORNIA INSURANCE GUARANTEE
ASSOCIATION et al.**

Cause called. Richard A. Weyuker argued for petitioner. Richard E. Guilford argued for respondent California Insurance Guarantee Association et al.. Cause submitted.

At 3:04 p.m., the court recessed until 9:30 a.m., Friday, January 22, 2010.

**C061458 THE PEOPLE v.
DUANE KEITA HERCULES**

(Not For Publication)

The judgment is affirmed.

HULL, J.

We Concur: Sims, Acting P.J.

Cantil-Sakauye, J.

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Court Minutes

January 19, 2010, Continued

C058722 In re the Marriage of ALAINA and (Not For Publication)
STEVEN ANDREWS; BERRY v. ANDREWS

The judgment is affirmed.

RAYE, J.

I concur: Hull, J.

I respectfully dissent:

The majority fears that applying the changed circumstance rule and its res judicata effects to a reconsideration of a section 3030, subdivision (a) finding interferes with the flexibility required for a trial court to determine a child's best interest. ...

Nicholson, Acting P.J.

C060992 Adoption of M.S., a Minor; (Certified For Publication)
PRACHT-SMITH et al. v. CALIFORNIA
DEPARTMENT OF SOCIAL SERVICES

The judgment (order) is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (5) .)

SIMS, J.

We Concur: Scotland, P.J.

Hull, J.

January 20, 2010

There are no minutes for this date.

January 21, 2010

C059021 THE PEOPLE v. (Not For Publication)
JOHN BRUCE SCHWARZ

The conviction for possession of methamphetamine is reversed. The conviction for possession of a firearm is affirmed. The probation order is vacated with directions to the trial court to impose a new order consistent with this opinion.

RAYE, J.

We Concur: Nicholson, Acting P.J.

Butz, J.

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Court Minutes

January 21, 2010, Continued

C059148	THE PEOPLE v. JACOB KESTERSON The judgment is affirmed. ... CANTIL-SAKAUYE, J. We Concur: Sims, Acting P.J. Raye, J.	(Not For Publication)
C060337	THE PEOPLE v. ROBERT EDWARD HEIFNER The judgment is affirmed. SCOTLAND, P.J. We Concur: Hull, J. Cantil-Sakauye, J.	(Not For Publication)
C060956	THE PEOPLE v. SALVADOR FIERRO, JR. The judgment is affirmed. BUTZ, J. We Concur: Hull, Acting P.J. Robie, J.	(Not For Publication)
C061112	THE PEOPLE v. DOUG GLEN LUTE The judgment is affirmed. BUTZ, J. We Concur: Scotland, P.J. Hull, J.	(Not For Publication)
C061899	THE PEOPLE v. LEONARDO ROBAINA The judgment is affirmed. BLEASE, J. We Concur: Scotland, P.J. Sims, J.	(Not For Publication)
C062016	THE PEOPLE v. JEREMY DANIEL DAVIS The judgment is affirmed. SCOTLAND, P.J. We Concur: Hull, J. Cantil-Sakauye, J.	(Not For Publication)

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Court Minutes

January 21, 2010, Continued

C062859 THE PEOPLE v. ARTHUR ZAZUETA (Not For Publication)

The judgment is affirmed.

HULL, J.

We Concur: Blease, Acting P.J.
 Sims, J.

**C060430 In re M.R., a Person Coming Under (Not For Publication)
 the Juvenile Court Law; THE PEOPLE v.
 M.R.**

The appeal is dismissed.

HULL, J.

We Concur: Scotland, P.J.
 Nicholson, J.

January 22, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Robie, Associate Justice; and Horner, bailiff.

**C060246 Estate of ROBERT FRANCO, Deceased; FRANCO v. LENZ, as Successor
 Trustee, etc.**

Cause called. Kenneth N. Meleyco argued for appellant. Douglas A. Haydel argued for respondent. Cause submitted.

At 10:00 a.m., the court recessed. At 10:01 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Nicholson, Associate Justice.

**C061451 In re R.S.; YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL
 SERVICES v. R.S.**

Cause called. S. Lynne Klein, court appointed counsel, argued for appellant. Jennifer Cretcher-McCoy, Deputy County Counsel, argued for respondent. Cause submitted.

At 10:15 a.m., the court recessed. At 10:16 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Cantil-Sakauye, Associate Justice.

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Court Minutes

January 22, 2010, Continued

C056970 THE SWAHN GROUP, INC., et al. v. MALCOLM S. SEGAL et al.

Cause called. Edward Freidberg argued for appellants. David E. Boyd argued for respondents. Cause submitted.

At 10:50 a.m., the court recessed. At 10:52 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

C059805 GARDELLA v. TORRES et al.

Cause called. Lori A. Reihl argued for appellant. Michael J. Matteucci argued for respondents. Cause submitted.

At 11:07 a.m., the court recessed. At 11:07 a.m., the court reconvened.

C059481 HALLOUM v. DFO, INC.

Cause called. Howard Moore, Jr., argued for appellant. Brian H. Chun argued only for respondent. Cause submitted.

At 11:33 a.m., the court recessed until 8:30 a.m., Monday, January 25, 2010.

C058482 THE PEOPLE v. HENRY CHAVEZ

(Not For Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Scotland, P.J.

Hull, J.

**C058910 THE PEOPLE v.
FAUSTINO ANTHONY PEREZ**

(Not For Publication)

The judgment as to the two counts of attempted murder and their accompanying enhancements is reversed, and the case may be retried. In all other respects the judgment is affirmed.

RAYE, J.

We Concur: Sims, Acting P.J.

Butz, J.

C060093 THE PEOPLE v. RUDY AROCHA

(Not For Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Blease, Acting P.J.

Sims, J.

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Court Minutes

January 22, 2010, Continued

**C060912 THE PEOPLE v. (Not For Publication)
JONATHAN MICHAEL RODRIGUEZ**

The trial court is directed to prepare a corrected abstract of judgment reflecting that the sentence on count three was imposed pursuant to second degree burglary, not attempted second degree burglary, and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

**C060305 CHARCO VENTURES et al. v. (Not For Publication)
SANDOVAL et al.**

The judgment is affirmed. Costs on appeal are awarded to respondent Charco Ventures. (Cal. Rules of Court, rule 8.278 (a) (1) .)

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.

Nicholson, J.

**C059671 DEPARTMENT OF CHILD SUPPORT (Not For Publication)
C060850 SERVICES v. GUTIERREZ**

The October 2, 2008 order directing father to pay child support of \$160 per month, effective January 1, 2008, is affirmed.

The February 20, 2008 order filed on May 1, 2008, is reversed, and the matter is remanded to the trial court with directions to calculate father's child support obligation in December 2007, using his actual income that month.

The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (5) .)

SCOTLAND, P.J.

We Concur: Sims, J.

Robie, J.

**C061484 In re K.G.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. J.G.**

The juvenile court's orders are affirmed.

CANTIL-SAKAUYE, J.

We Concur: Scotland, P.J.

Robie, J.

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Court Minutes

January 22, 2010, Continued

**C062078 In re JACOB C. et al.; SACRAMENTO (Not For Publication)
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. LELAND C. et al.**

The orders of the juvenile court are affirmed as to both mother and father.
BUTZ, J.

We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.